



08-03-04

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PATENT
ATTORNEY DOCKET NO. 03025256

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Peter L. Bakos and Robert Neal

Serial No.: 10/663,638

Filed: September 16, 2003

For: BATTERY TERMINAL BOLT

) Group Art Unit: 3677

) Examiner: Neill R. Wilson

"EXPRESS MAIL" mailing label number EV113359262US.
Date of Deposit: August 2, 2004.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, DC 20231.


Timothy M. Hubalik

Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed herewith for the above-identified continuation application are the following:

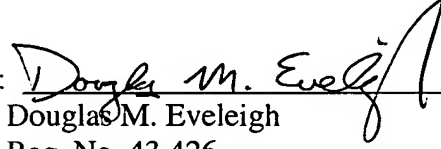
1. Response to Restriction and Election Requirement;
2. Return Post Card for acknowledging receipt of same.

The Commissioner is hereby authorized to charge any additional fees (or credit any overpayment) associated with this communication to our Deposit Account No. 13-0019.

Any inquiries regarding this communication should be directed toward the undersigned at (312) 701-8738.

Respectfully submitted,

Dated: August 2, 2004

By: 
Douglas M. Eveleigh
Reg. No. 43,426

MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, IL 60690-2828
(312) 701-8738



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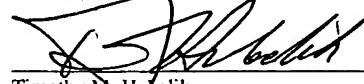
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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

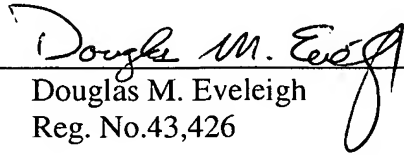
Sir:

In the Office Action mailed July 1, 2004, the Examiner requires restriction under 35 U.S.C. § 121 between the claims of Group I (claims 1-14) and Group II (claims 15-18). Applicant believes the restriction requirement is not warranted and therefore respectfully traverses that requirement, as discussed further below. However, in order to further prosecution, Applicant provisionally elects to prosecute Group I, claims 1-14.

Applicant respectfully submits that the search and examination of Group I and Group II together can be made without serious burden. Section 803 of the MPEP states that, "[i]f the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). Applicant respectfully submits that all pending claims in Groups I and II should be examined together in this application at least in view of Section 803.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 13-0019. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

By: 
Douglas M. Eveleigh
Reg. No.43,426

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Date: August 2, 2004